

Panaji, 16th August, 1996 (Sravana 25, 1918)

SERIES I No. 20



OFFICIAL GAZETTE

GOVERNMENT OF GOA

Note: There two Extraordinary issue to the Official Gazette, Series I No. 19 dated 8-8-96 as follows:

- 1) Extraordinary dated 8-8-96 from pages 211 to 230 regarding Notification from Department of Community Development and Panchayats. (Directorate of Panchayats).
- 2) Extraordinary No. 2 dated 8-8-96 from pages 231 to 238 regarding Notifications from Department of Labour.

GOVERNMENT OF GOA
 Department of Law and Judiciary
 Legal Affairs Division

Notification

12/2/94-95/LA

The Building and Other Construction Workers' Welfare Cess Ordinance, 1995 (Ordinance No. 15 of 1995) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I dated 3rd November, 1995 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 13th December, 1995.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
 (Legislative Department)

New Delhi, the 3rd November, 1995/Kartika 12, 1917 (Saka)

THE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS ORDINANCE, 1995

No. 15 of 1995

Promulgated by the President in the Forty-sixth Year of the Republic of India.

An Ordinance to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augment the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and

other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Building and other Construction Workers' Welfare Cess Ordinance, 1995.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) "Board" means a Building and Other Construction Workers' Welfare Board constituted by a State Government under sub-section (1) of section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995;

(b) "Fund" means the Building and Other Construction Workers' Welfare Fund constituted by a Board;

(c) "prescribed" means prescribed by rules made under this Ordinance;

(d) words and expressions used herein but not defined and defined in the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995 shall have the meanings respectively assigned to them in that Ordinance.

3. *Levy and collection of cess.*— (1) There shall be levied and collected a cess for the purposes of the Building and Other Construction Workers (Regulation of Employment and

Conditions of Service) Ordinance, 1995, at such rate not exceeding one per cent, of the cost of construction incurred by an employer, as the Central Government may, by notification in the Official Gazette, from time to time, specify.

(2) The cess levied under sub-section (1) shall be collected from every employer in such manner and at such time as may be prescribed.

(3) The proceeds of the cess levied under sub-section (1) shall first be credited to the Consolidated Fund of India and the Central Government may, if Parliament by appropriation made by law in this behalf so provides, pay to the Boards from time to time out of such proceeds such sum of money as it may think fit for being utilised for the purposes of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995, and to the State Governments such sum of money, not exceeding one per cent, of the amount collected, towards the cost of collection of such cess.

4. *Furnishing of returns.* — (1) Every employer shall furnish such return, to such officer or authority, in such manner and at such time as may be prescribed.

(2) If any person carrying on the building or other construction work, liable to pay the cess under section 3, fails to furnish any return under sub-section (1), the officer or the authority shall give a notice requiring such person to furnish such return before such date as may be specified in the notice.

5. *Assessment of cess.* — (1) The officer or the authority to whom or to which the return has been furnished under section 4 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.

(2) If the return has not been furnished to the officer or authority under sub-section (2) of section 4, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, assess the amount of cess payable by the employer.

(3) An order of assessment made under sub-section (1) or sub-section (2) shall specify the date within which the cess shall be paid by the employer.

6. *Power to exempt.* — Notwithstanding anything contained in this Ordinance, if the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, exempt any employer or class of employers from the payment of the cess payable under this Ordinance for such construction work as may be specified in such notification.

7. *Power of entry.* — Any officer or authority, of the State Government specially empowered in this behalf by that Government may —

(a) with such assistance, if any, as he or it may think fit, enter at any reasonable time any place where he or it considers it necessary to enter for carrying out the purposes of this Ordinance including verification of the correctness of any particulars furnished by any employer under section 4;

(b) do within such place anything necessary for the proper discharge of his or its duties under this Ordinance; and

(c) exercise such other powers as may be prescribed.

8. *Interest payable on delay in payment of cess.* — If any employer fails to pay any amount of cess payable under section 3 within the time specified in the order of assessment, such employer shall be liable to pay interest on the amount to be paid at the rate of two per cent, for every month or part of a month comprised in the period from the date on which such payment is due till such amount is actually paid.

9. *Penalty for non-payment of cess within the specified time.* — If any amount of cess payable by any employer under section 3 is not paid within the date specified in the order of assessment made under section 5, it shall be deemed to be in arrears and the authority prescribed in this behalf may, after such inquiry as it deems fit, impose on such employer, a penalty not exceeding the amount of cess:

Provided that before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

10. *Recovery of amount due under the Ordinance.* — Any amount due under this Ordinance (including any interest or penalty) from an employer may be recovered in the same manner as an arrear of land revenue.

11. *Appeals.* — (1) Any employer aggrieved by an order of assessment made under section 5 or by an order imposing penalty made under section 9 may, within such time as may be prescribed, appeal to such authority in such form and in such manner as may be prescribed.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed.

(3) After the receipt of any appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

12. *Penalty.* — (1) Whoever, being under an obligation to furnish a return under this Ordinance, furnishes any return knowing, or having reason to believe, the same to be false shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being liable to pay cess under this Ordinance, willfully or intentionally evades or attempts to evade the payment of such cess shall be punishable with imprisonment which may extend to six months or, with fine, or with both.

(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.

13. *Offences by companies.* — (1) Where an offence under this Ordinance has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purpose of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

14. *Power to make rules.* — (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which and the time within which the cess shall be collected under sub-section (2) of section 3;

(b) the particulars of the returns to be furnished, the officer or authority to whom or to which such returns shall be furnished and the manner and time of furnishing such returns under sub-section (1) of section 4;

(c) the powers which may be exercised by the officer or authority under section 7;

(d) the authority which may impose penalty under section 9;

(e) the authority to which an appeal may be filed under sub-section (1) of section 11 and the time within which and the form and manner in which such appeal may be filed;

(f) the fees which shall accompany an appeal under sub-section (2) of section 11; and

(g) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPURIA;
Secy. to the Govt. of India.

Notification

10/5/96/LA

The Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1996 (Ordinance No. 9 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 27th January, 1996 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 26th February, 1996.

MINISTRY OF LAW, JUSTICE AND COMPANY
AFFAIRS

(Legislative Department)

New Delhi, the 27th January, 1996/Magha 7, 1917 (Saka)

THE CONSTITUTION (SCHEDULED TRIBES) ORDER
(AMENDMENT) ORDINANCE, 1996

No. 9 of 1996

Promulgated by the President in the Forty-seventh Year of the
Republic of India.*An Ordinance to provide for the inclusion of Koch-Rajbongshi
in the list of Scheduled Tribes specified in relation to the State
of Assam.*

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Constitution (Scheduled Tribes) Order (Amendment) Ordinance, 1996.

(2) It shall come into force at once.

2. *Amendment of the Constitution (Scheduled Tribes) Order, 1950.*— In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in "Part II.—Assam", under the Heading "II. In the State of Assam excluding the autonomous districts:-" after item 9 and the entry relating thereto, the following item and entry shall be added, namely:—

"10. Koch-Rajbongshi".

SHANKER DAYAL SHARMA,
President.K. L. MOHANPURIA,
Secy. to the Govt. of India.

Notification

1/1/93-PER(Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing

recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post in the State Commission/District Forum, Directorate of Civil Supplies & Price Control, Government of Goa, namely:—

1. *Short title, application and commencement.*—(1) These rules may be called the Government of Goa, State Commission/District Forum, Directorate of Civil Supplies & Price Control, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provision of these rules with respect to any class or category of persons.6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 26th June, 1996.

SCHEDULE

Notification
1/21/87-PER(Pt.)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post in the Directorate of Education, Government of Goa, namely:-

1. Short title, application and commencement. — (1) These rules may be called the Government of Goa, Directorate of Education, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scales of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. Disqualification. — No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service.

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax. — Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provision of these rules with respect to any class or category of persons.

6. Saving. — Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel).

Panaji, 19th July, 1996.

SCHEDULE	Name/ Designation of the post	Number of posts	Classification	Scale of pay	Whether selection post or non-select- ion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS(Pension) Rules, 1972	Educational and other qualifi- cations required for direct- recruits	Whether age & education prescribed for the direct recruits will apply in the case of promotedees.	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion/depu- tation or by deputation/ transfer/contract	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Com- mission is to be consulted in making recruitment	Group C D. P. C.	N. A.	Promotion: Two years 50% by promotion fail- ing which by direct recruitment and 50% by direct recruitment.
Assistant Teachers/ Instructors	420 (1996)	Group 'C' Non- subject to Junior variation depen- dant on workload.	Non- Ministerial variation rial, Non- -Gazetted.	Rs. Selection 1400-40- 1600-50- 1650-EB- -50-1950- -EB-50- -2250- -EB-50- -2300- -EB-60- -2600.	N.A.	Not exceeding 35 years (Relaxable for Government servants in accordance with the instructions or orders	Whether degree of recognised University or equivalent in the concerned stream i.e. Arts, Sci- ence or Commerce.	Age: (i) Degree of recognised University or equivalent in the concerned stream i.e. Arts, Sci- ence or Commerce. (ii) Degree in Education/ Teaching failing which Diploma in Education/Teaching.	Age: (i) Degree of recognised University or equivalent in the concerned stream i.e. Arts, Sci- ence or Commerce. (ii) Degree in Education/ Teaching failing which Diploma in Education/Teaching.							

Notification
1/4/81-PER (Part)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service Group 'D', Ministerial post in the Goa Dental College & Hospital, Bambolim, namely:—

1. *Short title, application and commencement.*—(1) These rules may be called the Government of Goa, Goa Dental College & Hospital, Group 'D', Ministerial post Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scales of pay.*—The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provision of these rules with respect to any class or category of persons.

6. *Saving.*—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamat, Joint Secretary (Personnel):

Panaji, 23rd July, 1996.

issued by the
Government

(iii) Proficiency in English.
(iv) Knowledge of
Konkani.

Desirable:

Knowledge of
Marathi

SCHEDULE

Name/ /Designation of the post	Number of posts	Classification of posts	Scale of pay	Whether the benefit of added years of service is admissible under Rule 30 of CCS(Pension) Rules, 1972	Whether the benefit of added years of service is admissible under Rule 30 of CCS(Pension) Rules, 1972	Whether the benefit of added years of service is admissible under Rule 30 of CCS(Pension) Rules, 1972	Educational and other qualifications required for direct recruits		Whether age & education for direct recruitment will apply	Whether age & education for direct recruitment will apply	Method of recruitment, whether by direct recruitment or by promotion or by probation, deputation/ transfer, if any	Period of probation, deputation/ transfer, if any	In case of recruitment by promotion/dep- tation/trans for grades from which promotion/depua- tion/transfer is to be made.					
							1	2	3	4	5	6	6(a)	7	8	9	10	11
Peon-cum- Despatch Rider	One (1996)	Group 'D' Rs. 750- (Ministe- rial)Non- variation -Gazetted.	Group 'D' Rs. 750- (Ministe- rial)Non- variation -Gazetted.	Non- -Selc- tion	Not exceeding 3.5 years (Relaxable for Govern- m e n t servants upto5years in accor- dance with the instruc- tions or orders is- sued by the Go vern- ment).	Yes, under voluntary retirement scheme	Essential:	N. A.	2 years	By direct recruitment.	N. A.	Group D D. P. C.	N. A.	Group D D. P. C.	N. A.	Group D D. P. C.	N. A.	Group D D. P. C.

Desirable:
Knowledge of
Marathi.